

Municipal Council Meeting Minutes
Tuesday, October 14, 2008
Town Hall Auditorium

Call to Order 7:00PM

Pledge of allegiance – Councilor McMilleon

Roll Call – Mary Chatigny, Stephen Dunford, Anne Ferguson, Robert Gilday, Robert Lavoie, Joseph McMilleon, Allen Neale, Jonathan Sherwood, Roger Benson

Act on Minutes – September 9, 2008 Councilor Neale motioned to accept, Councilor Dunford second – Voted Unanimous

Public Comment

Mayor Kezer read a statement about where Amesbury stands given the circumstances of the economy and what the Administration is doing in response (attached).

Alison Lindstrom, 10 Wells Ave. – Ms. Lindstrom wants to know how much is in the overlay fund and how much has been returned back to the general fund.

Council Response to Public Comment

No response to Public Comment

Councilor Lavoie motions to take Correspondence out of order, Councilor Sherwood second – voted unanimous

Correspondence

a. President/Vice President Communications

Councilor Lavoie encourages everyone to participate in the Veterans Day parade.

b. Communication from Elected Officials, Boards and Commissions

Mr. Grant read an update of the Finance Advisory Committee (attached).

2008-093 November 4, 2008 State Election Warrant

Councilor Lavoie read 2008-093 into the record.

Councilor Ferguson motioned to accept, Councilor Dunford second – voted unanimous.

Councilor Lavoie motioned to take Licenses and permits out of order, Councilor Neale second – Voted unanimous

Licenses and Permits

2008-081 Petition from National Grid for Pole and Wire Locations on Middle Road

John Butler attended representing National Grid and stated the new poles will provide service for a new sub station being constructed at the intersection of Middle Road and Buttonwood Road.

Mark Pender, 90 Middle Road – Mr. Pender is opposed to the location of the poles and wires because they would interfere with mowing the fields, his silage operation as well as the aesthetics of the area. He believes generators that are on site now could provide the power. He has also offered other alternatives of running the power lines that would not affect that section of his property.

Councilor Gilday would like to see in writing greater detail explaining what National Grid is proposing in that area such as a better scope of work, job description and why it is need.

Councilor Neale asked Mr. Pender if he would agree to the pole being placed on the opposite side of the street. Mr. Pender states it would require taking down a lot of trees and ruin the aesthetics. Both sides would impact his operation. Mr. Pender believes there is another way.

Brian Patterson, 28 Buttonwood Road – Mr. Patterson is concerned about the intersection. He believes placing the poles too close to the intersection will make an already dangerous intersection more dangerous. He states in the past few years there has been an increase in traffic in the area due to more development.

Alison Lindstrom, 10 Wells Ave. - Ms. Lindstrom suggest the Planning Board review this request.

President Benson closed the pole hearing.

Councilor Neale requests a better scale plan with the location Mr. Pender's operation and the exact location of the poles relative to the intersection.

Councilor Gilday would also like to see what size the poles are going to be and the amount of voltage.

It is agreed that the Councilor for that area will meet with John Butler and the Town Engineer at the site.

Councilor Sherwood motioned to continue 2008-081, Councilor McMilleon second – Voted Unanimous

2008-082 Auctioneer License – Petrowsky Auctioneers

President Benson read a letter from Petrowsky Auctioneers stating that they will not be able to attend the meeting.

Councilor Ferguson motioned to accept 2008-082, Councilor Sherwood second – Voted Unanimous

2008-083 Common Victualler License Salisbury Minimart, Inc. d/b/a Amesbury One Stop, 108 Macy Street

Charles Marbardy attended representing Salisbury Minimart.

Councilor Lavoie asked his projected timeline on construction; Mr. Marbardy stated everything is on schedule and would like to open by Thanksgiving.

Councilor Lavoie motions to approve 2008-083 on the condition the Health Dept. and the Fire Dept. permits are in place as well as all other conditions, Councilor McMilleon second – Voted Unanimous

2008-084 Junk Dealers License – Surprise, 41 Main Street

Dick Stearns, 37 Prospect Street attended the meeting representing Surprise. He states the store will sell custom jewelry and home décor.

Councilor Lavoie motioned 2008-084 be approved with the usual stipulations, Councilor Neale second – Voted Unanimous

Councilor Ferguson motions to take 2008-086 out of order, Councilor Neale second – Voted Unanimous

Mayoral Appointments

2008-086 Deborah S. Drew – member Cultural Council term to expire 6/30/11

Councilor Ferguson motions to approve 2008-086, Councilor Dunford second – Voted Unanimous

2008-070 Joint meeting with the Planning Board

President Benson abstained from the vote because of a direct financial conflict. Council Vice President Lavoie took over.

Councilor Lavoie opened the joint meeting.

Planning Board – John McDonald opened the Planning Board meeting

Roll Call: Ara Sanentz, John McDonald, Marguerite Zagranis, Curtis Wollitz

James Kelcourse – 14 Merrimac Street

Mr. Kelcourse feels with his knowledge of the town, his background and education he will be able to make an impact on the board and help to make some good decisions.

Mr. Thivierge, also an applicant, did not attend the meeting.

Councilor Neale nominated James Kelcourse, Councilor Dunford second

Councilor Ferguson nominated James Thivierge, Councilor McMilleon second

Roll Call:

Planning Board - 4 James Kelcourse (Sanentz, McDonald, Zagranis, Wollitz)

Municipal Council – 8 James Kelcourse (Chatigny, Dunford, Ferguson, Gilday, Lavoie, McMilleon, Neale, Sherwood)

Councilor Lavoie declared the joint meeting closed.

John McDonald declared the Planning Board meeting closed.

Councilor Sherwood motioned to take **2008-074** out of the Ordinance Committee without a recommendation, Councilor Lavoie second – Voted Unanimous

Councilor Lavoie motions to divide 2008-074 into two parts, Section 1 becomes 2008-074A and Section 2 -6 become 2008-074B. Councilor McMilleon second – Voted Unanimous

Councilor Sherwood motions to refer **2008-074A** to Ordinance Committee for a public hearing, Councilor Lavoie second – Voted Unanimous

Councilor Lavoie motioned that **2008-074B** be approved as a resolution, Councilor McMilleon second Voted - Unanimous

Second Readings

Public Hearings

2008-061 A Request to accept Riverfront Drive and Cabot Court for Ownership by the Public as a Public Way – Mayor Kezer sponsor cont.

President Benson read 2008-061 into the record and opened the public hearing.

Mayor Kezer stated 2008-061 is not ready to move forward they are waiting for the Planning Board.

Councilor Lavoie motioned that the public hearing for 2008-061 be continued to the next Municipal Council meeting. Councilor Neal second – Voted Unanimous.

2008-064 Accept a \$5,000 grant from the Executive Office of Public Safety – Mayor Kezer sponsor cont.

President Benson read 2008-064 into the record and declared the public hearing open.

Councilor Neale read the recommendation of the Finance Committee to accept 2008-064.

Alison Lindstrom, 10 Wells Ave, asked if any of the grants on the agenda required matching funds, Mayor Kezer stated they did not.

Councilor Sherwood motioned to accept 2008-064, Councilor Chatigny second – Roll Call Vote – Unanimous

2008-065 Accept a donation of \$5,000 from the Amesbury Health Care Charitable Trust - Mayor Kezer sponsor cont.

President Benson read 2008-065 into the record.

Councilor Neale read the recommendation of the Finance Committee to adopt as submitted.

Councilor Ferguson motioned to accept 2008-065, Councilor Chatigny second. – Roll Call Vote – Unanimous

2008-066 Accept a donation of \$830 from Amesbury Health Care Charitable Trust – Mayor Kezer sponsor cont.

Councilor Benson read 2008-066 into the record and opened the public hearing.

Councilor Neale read the recommendation of the Finance Committee to accept as submitted.

Councilor Benson closed the public hearing.

Councilor Sherwood motioned to accept 2008-066, Councilor Ferguson second – Roll Call Vote – Unanimous

2008-067 Accept a donation of \$5,000 from The Provident Community Foundation – Mayor Kezer sponsor cont.

President Benson read 2008-067 into the record.

Councilor Neale read the recommendation of the Finance Committee to approve 2008-067.

Councilor Ferguson motioned to approve 2008-067, Councilor Chatigny second – Roll Call Vote – Unanimous

2008-068 Amend Bill #2006-111B emergency repairs to the Police Station – Mayor Kezer sponsor cont.

President Benson read 2008-068 into the record.

Councilor Neale read the recommendation of the Finance Committee to approve.

Mayor Kezer stated that 2 years ago he put in a request for \$80,000 to repair the front wall of the Police Station. That request was reduced to \$60,000 making it impossible to go forward with the project. Some of the \$60,000 went towards blue tarps and spray sealants to stop the water leaks. There is now a balance of about \$48,000 for a \$100,000 project. Recently the town received a matching \$80,000 grant from the state to repair the Police Station. While the sealant has stopped the leaks the heating system has failed. Bill 2008-068 is to change the language to the order that was passed a couple of years ago which was very specific to fix bricks and mortar only. Approval of 2008-068 will allow the town to make what ever prudent repairs deemed necessary to the Police Station building. The \$48,000 will be part of the match of the \$80,000.

Jane Snow, 48 Fern Avenue – Ms. Snow states that back in 2006 the repairs to the police station was called an emergency for public health and safety. The \$60,000 was specifically for re-pointing and sealing of the front wall. She found that part of the \$60,000 was paid to A.E. Cronin, Eagle Tribune, Morrill Electric, Rignoli and to Servpro to get rid of the mold although in the minutes it was specific that no money was to be spent on mold. Lieutenant Ingham stated the mold would be taken care of within the Police operating budget. She wants to know why the money was not spent on brick and mortar and where has that money been. Why it doesn't show up in a budget.

Alison Lindstrom, 10 Wells Ave. – Ms. Lindstrom wanted to know why the balance of the \$60,000 was not returned to the general fund.

President Benson closed the public hearing.

Michael Basque stated that the money is still and has always been listed under fund 5310 Police Station repairs in the monthly budget reports since they were appropriated because the Council has not made a motion to return the money back to the general fund.

Councilor Neale feels the town needs to move forward use the \$60,000 as part of the match for the \$80,000 grant received from the state and fix the boiler.

Councilor Sherwood moves to accept the Finance recommendation on 2008-068 to accept, Councilor Chatigny second. Roll Call Vote – 8 Yes, 1 No (Dunford)

2008-071 An Order to change various fees in the Town Clerk's Office and to adopt a Schedule of Fees – Councilor Chatigny sponsor cont.

Councilor Neale read the recommendation of the Finance Committee to accept with a few changes.

(1) On the proposed fee increase worksheet under Dog licenses Male/Female and Neuter/Spay and Kennel License after "Late fee changed to +\$5.00" delete each additional month

- (2) Under Researching Vital Records after *change* "Per hour if over 2 hrs" to "Per hour if over 1 hr"
(3) One day events will not have a fee but a list of vendors will be provided to the Town Clerk by the Chairperson of the event.

President Benson closed the public hearing.

Councilor Lavoie read the recommendation of the Ordinance Committee with the following amendments:

1. That the \$.25 fee attached to certain licenses be eliminated.
2. That various fees be changed as proposed on the amended attached Schedule of Fees and the same is hereby adopted.
3. That this Order be effective as of January 1, 2009.

Councilor Neale moved for adoption 2008-071 with the recommendations of the Finance and Ordinance Committees, Councilor Dunford second. Roll Call Vote – Unanimous

2008-073 Authorize the Mayor to petition the Merrimack Valley Planning Commission to discontinue its interest in a county "Road Parcel" – Mayor Kezer sponsor cont.
President Benson read 2008-073 into the record.

Joseph Fahey stated this is a request from the owner of the parcel of land where Andyman's is located. There is a county parcel located in his parking area. Because it was a county parcel and the county government was disbanded MVPC took responsibility for all existing county roads and parcels. The Mayor has to come to the Council to request the authorization to make the request to the MVPC. The MVPC then has a hearing on the request and makes their decision. If favorable it will come back to the town and the town will look at the reuse of it, have an appraisal done and research the title.

Councilor Sherwood asked Mr. Fahey if the town has any concerns or interests in keeping it the way it is. Mr. Fahey responded the town has no interest in the parcel.

President Benson opened and closed the public hearing.

Councilor Ferguson motioned to approve 2008-073, Councilor Chatigny second.

Councilor Sherwood motioned to amend the motion to include the recommendation of the Ordinance Committee.

Councilor Ferguson withdrew her motion.

Councilor Ferguson motioned to accept 2008-073 with the recommendation of the Ordinance Committee, Councilor Chatigny second. Roll Call Vote - Unanimous

2008-075 Authorize the Mayor to enter into an agreement with Wheelabrator North Andover for disposal of Amesbury's solid waste – Mayor Kezer sponsor cont.
President Benson opened the public hearing.

Councilor Neale read the recommendation of the Finance Committee to approve as submitted.

President Benson closed the public hearing.

Councilor Chatigny motioned to accept 2008-075, Councilor Neale second – Roll Call Vote – Unanimous

First Readings

2008-087 Accept a \$7,500 grant from the Mass Board of Library Commissioners – Mayor Kezer sponsor

Councilor Sherwood motioned to refer 2008-087 to the Finance Committee, Councilor Dunford second – Voted – Unanimous

2008-088 Accept a \$5,000 grant from the Mass Board of Library Commissioners – Mayor Kezer sponsor

Councilor Neale motioned to refer 2008-088 to the Finance Committee, Councilor Dunford second. Voted – Unanimous

2008-089 Authorize the Mayor to enter into a five year agreement with the option for two additional five year terms for the collection of municipal solid waste and collection and processing of municipal recycling – Mayor Kezer sponsor

Councilor Neale motioned to refer 2008-089 to the Finance Committee, Councilor Dunford second. Voted - Unanimous

2008-090 To appropriate \$600,000 for Capital Expenditures to the Public Safety Buildings –Mayor Kezer sponsor

Councilor Neale motioned to refer 2008-090 to the Finance Committee, Councilor Sherwood second. Voted – Unanimous

2008-091 Approve payment of prior year invoices from FY09 funds – Mayor Kezer sponsor

Councilor Ferguson motioned to refer 2008-091 to the Finance Committee, Councilor Chatigny second.

Voted – Unanimous

2008-092 To reduce the FY09 Budget by \$125,000 – Mayor Kezer sponsor

Councilor Neale motioned to refer 2008-092 to the Finance Committee, Councilor Sherwood second. Voted - Unanimous

Councilor Dunford motioned to adjourn, Councilor Chatigny second

Voted Unanimous 9:30PM

Respectfully Submitted
Assistant Town Clerk